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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

August 30, 2000

Honorable Assistant  
Commissioner of Patents  
Washington, D.C. 20231

JC564 U.S. PTO  
09/651597  
08/30/00

SUBJECT: Patent Application  
Inventors: Donald C. Englin; Donald W. Mackenthun; and Kelvin S. Vartti  
Title: Method for Avoiding Delays During Snoop Requests  
File No: RA 5221 (33012/290/101)

Dear Sir:

Enclosed herewith are the following papers comprising an application for patent as identified above:

1. Specification ( 17 pages)
2. Claims ( 6 pages)
3. Formal Drawings ( 5 pages)
4. Declaration and Power of Attorney
5. Assignment of Invention
6. Assignment Coversheet

Please charge the Assignment fee of \$40.00 and the Patent Application filing fee of \$768.00, calculated below, to Account No. 19-3790 of Unisys Corporation. If the calculated fee is incorrect, you are authorized to charge the correct fee.

The filing fee was calculated as follows:

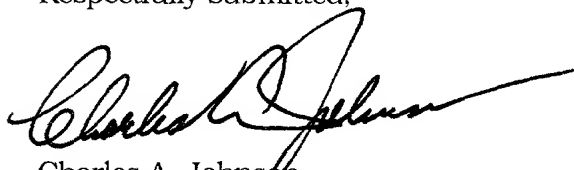
1.	Basic Fee	\$690.00
2.	Additional Fees	
a.	Number of claims in excess of 20, ( 20-20=0 ) 0 times \$18	0.00
b.	Number of independent claims minus 3, ( 4-3=1 ) 1 times \$78	78.00
TOTAL		768.00

Patent Application - Transmittal  
August 30, 2000

Docket # RA 5221 (33012/290/101)

Correspondence is to be directed to the undersigned attorney of record, and an early acknowledgment will be greatly appreciated.

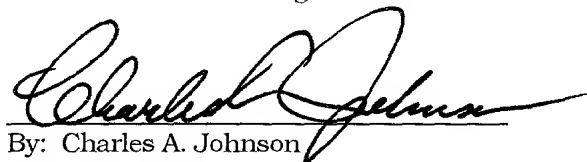
Respectfully submitted,



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Enclosures

CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this transmittal letter and the paper of papers, as described hereinabove, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of EL 027383839 US, in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, D.C. 20231 on this 30<sup>th</sup> day of August 2000.



By: Charles A. Johnson  
Reg. No.: 20,852

**APPLICATION FOR UNITED STATES PATENT**

**INVENTORS:** Donald C. Englin  
Donald W. Mackenthun  
Kelvin S. Vartti

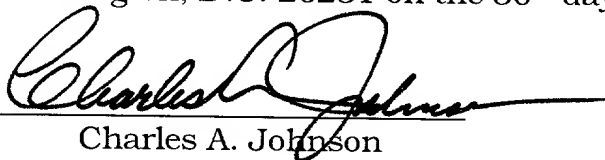
**INVENTION:** METHOD FOR AVOIDING DELAYS DURING SNOOP  
REQUESTS

**DOCKET  
NUMBER:** RA 5221 (33012/290/101))

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**SPECIFICATION**

CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this transmittal letter and the paper of papers, as described hereinabove, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of EL 027383839 US, in an envelope addressed to: ASSISTANT COMMISSIONER OF PATENTS, Washington, D.C. 20231 on the 30<sup>th</sup> day of August, 2000.

  
Charles A. Johnson

## METHOD FOR AVOIDING DELAYS DURING SNOOP REQUESTS

### CROSS REFERENCE TO CO-PENDING APPLICATIONS

5           The present application is related to co-pending U.S. Patent  
Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, entitled  
Cooperative Hardware and Microcode Control System for Pipelined  
Instruction Execution; U.S. Patent Application Serial No.  
\_\_\_\_\_, filed \_\_\_\_\_, entitled Method for Improved  
10 First Level Cache Coherency; U.S. Patent Application Serial No.  
\_\_\_\_\_, filed \_\_\_\_\_, entitled Leaky Cache Mechanism;  
and U.S. Patent Application Serial No. \_\_\_\_\_, filed  
\_\_\_\_\_, entitled Data Coherency Protocol for Multi-level  
Cached High Performance Multiprocessor System, assigned to the  
15 assignee of the present invention and incorporated herein by  
reference.

### BACKGROUND OF THE INVENTION

20       1. Field of the Invention: - The present invention relates  
generally to data processing systems employing multiple instruction  
processors and more particularly relates to multiprocessor data  
processing systems employing multiple levels of cache memory.

2. Description of the Prior Art: - It is known in the art  
that the use of multiple instruction processors operating out of

common memory can produce problems associated with the processing of obsolete memory data by a first processor after that memory data has been updated by a second processor. The first attempts at solving this problem tended to use logic to lock processors out of memory spaces being updated. Though this is appropriate for rudimentary applications, as systems become more complex, the additional hardware and/or operating time required for the setting and releasing of locks can not be justified, except for security purposes. Furthermore, reliance on such locks directly prohibits certain types of applications such as parallel processing.

The use of hierarchical memory systems tends to further compound the problem of data obsolescence. U.S. Patent No. 4,056,844 issued to Izumi shows a rather early approach to a solution. The system of Izumi utilizes a buffer memory dedicated to each of the processors in the system. Each processor accesses a buffer address array to determine if a particular data element is present in its buffer memory. An additional bit is added to the buffer address array to indicate invalidity of the corresponding data stored in the buffer memory. A set invalidity bit indicates that the main storage has been altered at that location since loading of the buffer memory. The validity bits are set in accordance with the memory store cycle of each processor.

U.S. Patent No. 4,349,871 issued to Lary describes a bussed architecture having multiple processing elements, each having a dedicated cache memory. According to the Lary design, each

processing unit manages its own cache by monitoring the memory bus. Any invalidation of locally stored data is tagged to prevent use of obsolete data. The overhead associated with this approach is partially mitigated by the use of special purpose hardware and through interleaving the validity determination with memory accesses within the pipeline. Interleaving of invalidity determination is also employed in U.S. Patent No. 4,525,777 issued to Webster et al.

Similar bussed approaches are shown in U.S. Patent No. 4,843,542 issued to Dashiell et al, and in U.S. Patent No. 4,755,930 issued to Wilson, Jr. et al. In employing each of these techniques, the individual processor has primary responsibility for monitoring the memory bus to maintain currency of its own cache data. U.S. Patent No. 4,860,192 issued to Sachs et al, also employs a bussed architecture but partitions the local cache memory into instruction and operand modules.

U.S. Patent No. 5,025,365 issued to Mathur et al, provides a much enhanced architecture for the basic bussed approach. In Mathur et al, as with the other bussed systems, each processing element has a dedicated cache resource. Similarly, the cache resource is responsible for monitoring the system bus for any collateral memory accesses which would invalidate local data. Mathur et al, provide a special snooping protocol which improves system throughput by updating local directories at times not necessarily coincident with cache accesses. Coherency is assured

by the timing and protocol of the bus in conjunction with timing of the operation of the processing element.

An approach to the design of an integrated cache chip is shown in U.S. Patent No. 5,025,366 issued to Baror. This device provides the cache memory and the control circuitry in a single package. The technique lends itself primarily to bussed architectures. U.S. Patent No. 4,794,521 issued to Ziegler et al, shows a similar approach on a larger scale. The Ziegler et al, design permits an individual cache to interleave requests from multiple processors. This design resolves the data obsolescence issue by not dedicating cache memory to individual processors. Unfortunately, this provides a performance penalty in many applications because it tends to produce queuing of requests at a given cache module.

The use of a hierarchical memory system in a multiprocessor environment is also shown in U.S. Patent No. 4,442,487 issued to Fletcher et al. In this approach, each processor has dedicated and shared caches at both the L1 or level closest to the processor and at the L2 or intermediate level. Memory is managed by permitting more than one processor to operate upon a single data block only when that data block is placed in shared cache. Data blocks in dedicated or private cache are essentially locked out until placed within a shared memory element. System level memory management is accomplished by a storage control element through which all requests to shared main memory (i.e. L3 level) are routed. An apparent improvement to this approach is shown in U.S. Patent No.

4,807,110 issued to Pomerene et al. This improvement provides prefetching of data through the use of a shadow directory.

A further improvement to Fletcher et al, is seen in U.S. Patent No. 5,023,776 issued to Gregor. In this system, performance  
5 can be enhanced through the use of store around L1 caches used along with special write buffers at the L2 intermediate level. This approach appears to require substantial additional hardware and entails yet more functions for the system storage controller.

The special problem with multiple processor, multiple level,  
10 high speed, cached memory systems involving coherency may be resolved through the use of SNOOPing. In this process, the control logic for one cache memory interrogates the tag memory corresponding to other cache memories to determine whether a selected data element has been modified by operation of a different  
15 processor. Though this procedure is quite useful, the primary difficulty concerns efficiency.



## SUMMARY OF THE INVENTION

The present invention overcomes the problems found in the prior art by providing a method and apparatus for improving the efficiency of maintaining coherency within a system having multiple levels of cache memory. This enhancement to efficiency is accomplished by utilizing improving the efficiency of the SNOOP activity.

The preferred mode of the present invention includes up to four main memory storage units. Each is coupled directly to each of up to four "pod"s. Each pod contains a level three cache memory coupled to each of the main memory storage units. Each pod may also accommodate up to two input/output modules.

Each pod may contain up to two sub-pods, wherein each sub-pod may contain up to two instruction processors. Each instruction processor has two separate level one cache memories (one for instructions and one for operands) coupled through a dedicated system controller, having a second level cache memory, to the level three cache memory of the pod.

Unlike many prior art systems, both level one and level two cache memories are dedicated to an instruction processor within the preferred mode of the present invention. The level one cache memories are of two types. Each instruction processor has an instruction cache memory and an operand cache memory. The

instruction cache memory is a read-only cache memory primarily having sequential access. The level one operand cache memory has read/write capability. In the read mode, it functions much as the level one operand cache memory. In the write mode, it is a semi-store-in cache memory, because the level two cache memory is also dedicated to the instruction processor.

In accordance with the preferred mode of the present invention, each dedicated system controller has a level two cache memory, a level two cache tag memory, and two (i.e., one for instruction and one for operand) level one cache duplicate tag memories. Unlike past designs, interfaces to the tag memories are established which are separate and independent of the interface to the level two cache memory. Though, for normal accesses, it is intuitive that the level two cache memory and the tag memories are referenced during the same operation, SNOOP operations access only the tag memories. Thus, the present invention provides the opportunity for regulating memory accesses and SNOOP accesses independently.

The present invention gives the SNOOP accesses priority over other uses of the tag memories. Again, this might seem counterintuitive because it tends to slow access requests from the dedicated processor. However, overall system throughput is increased, because SNOOP requests are honored more quickly permitting the other system processors to operate with less SNOOP request latency.

### BRIEF DESCRIPTION OF THE DRAWINGS

Other objects of the present invention and many of the attendant advantages of the present invention will be readily appreciated as the same becomes better understood by reference to the following detailed description when considered in connection with the accompanying drawings, in which like reference numerals designate like parts throughout the figures thereof and wherein:

**FIG. 1** is an overall block diagram of a fully populated system in accordance with the present invention;

**FIG. 2** is a schematic block diagram of one pod;

**FIG. 3** is a schematic block diagram of one instruction processor along with its dedicated system controller;

**FIG. 4** is a detailed diagram showing data flow of the operation of the present invention; and

**FIG. 5** is a timing diagram of an example in accordance with the present invention.

## DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

FIG. 1 is an overall block diagram of fully populated data processing system according to the preferred mode of the present invention. This corresponds to the architecture of a commercial system of Unisys Corporation termed "Voyager".

The main memory of the system consists of up to four memory storage units, MSU 10, MSU 12, MSU 14, and MSU 16. Being fully modular, each of these four memory storage units is "stand-alone" and independent of one another. Each has a separate point-to-point dedicated bi-directional interface with up to four "pods", POD 18, POD 20, POD 22, POD 24. Again, each of the up to four pods is separate and independent of one another.

The contents of POD 20 are shown by way of example. For the fully populated system, POD 18, POD 22, and POD 24 are identical to POD 20. The interface between POD 20 and each of the four memory storage units (i.e., MSU 10, MSU 12, MSU 14, and MSU 16), is via a third level cache memory designated cached interface, CI 26, in this view. CI 26 couples with two input/output controllers, I/O Module 44 and I/O Module 46, and two sub-pods, SUB 28 and SUB 30. A more detailed explanation of the POD 20 is provided below.

The above described components are the major data handling elements of the system. In the fully populated system shown, there

are sufficient components of each type, such that no single hardware failure will render the complete system inoperative. The software employed within the preferred mode of the present system utilizes these multiple components to provide enhanced reliability for long term operation.

The remaining system components are utilitarian rather than data handling. System Oscillator 32 is the primary system time and clocking standard. Management System 34 controls system testing, maintenance, and configuration. Power Controller 36 provides the required electrical power. System Oscillator 38, Management System 40, and Power Controller 42 provide completely redundant backup capability.

**FIG. 2** is a more detailed block diagram of POD 20. The level three cache memory interfaces directly with the memory storage units via TLC Controller 26 (see also Fig. 1). The actual storage for the level three cache memory is TLC SRAMS 48. As indicated this static random access memory consists of eight 16 byte memory chips.

Subpod 28 and subpod 30 each contain up to two individual instruction processors. These are designated Voyager IP 50, Voyager IP 52, Voyager IP 54, and Voyager IP 56. As explained in detail below, each contains its own system controller. In accordance with the preferred mode of the present invention, these instruction processors need not all contain an identical software architecture.

**FIG. 3** is a more detailed block diagram of Voyager IP 50, located within Subpod 28, located within POD 20 (see also Figs. 1 and 2). As explained above, each instruction processor has a dedicated system controller having a dedicated level two cache memory. Instruction processor 64 has two dedicated level one cache memories (not shown in this view). One level one cache memory is a read-only memory for program instruction storage. Instruction processor 64 executes its instructions from this level one cache memory. The other level one cache memory (also not shown in this view) is a read/write memory for operand storage.

Instruction processor 64 is coupled via its two level one cache memories and dedicated system controller 58 to the remainder of the system. System controller 58 contains input logic 74 to interface with instruction processor 64. In addition, data path logic 70 controls movement of the data through system controller 58. The utilitarian functions are provided by Locks, Dayclocks, and UPI 62.

The remaining elements of system controller 58 provide the level two cache memory functions. SLC data ram 66 is the data actual storage facility. Control logic 70 provides the cache management function. SLC tags 72 are the tags associated with the level two cache memory. FLC-IC Dup. Tags 76 provides the duplicate tags for the level one instruction cache memory of instruction

processor 64. Similarly, FLC-OC Dup. Tags 78 provides the duplicate tags for the level one operand cache memory of instruction processor 64. For a more complete discusses of this duplicate tag approach, reference may be made with the above identified co-pending and incorporated U.S. Patent Applications.



**FIG. 4** is a detailed diagram showing data flow of the operation of the present invention. Shown are the significant components of system controller 50 involved in practicing the present invention.

Bus interface logic 60 couples system controller 50 with third level cache controller 26 and the remaining system controllers of Pod 20 (see also Figs. 1 and 2) via memory bus 80. Unlike prior art system controller, bus interface logic 60 provides separate and independent paths to level two storage, SLC Data 66, and the three rams storing tag information, FLC-IC 76, FLC-OC 78, and SLC Tags 72. Internal bus 84 couples to the data storage and internal bus 82 couples to the tag memories. In view of these separate and independent paths, the tag memories (i.e., FLC-IC 76, FLC-OC 78, and SLC Tag 72) may be addressed directly from memory bus 80, without access to the cache storage, SLC Data 66.

Given this independent access, control logic 70 has the ability to direct accesses to the tag memories, the cache storage, or both. In accordance with the present invention, control logic 70 always provides higher priority to SNOOP access requests from memory bus 80 to the tag memories than access requests to the cache storage, which also requires access to the tag memories.

**Fig. 5** is a timing diagram of an example of the operation of the present invention. In the preferred embodiment, the instruction processor timing clock cycles are divided into sub-cycles, called slots. In the present view, time proceeds from left to right in the timing diagram. Each vertical column represents one slot. The two horizontal rows associated with Tag slots 94 and Data slots 96 represent the prior art solution in response to data and SNOOP requests, whereas the two horizontal rows associated with Tag slots 98 and Data slots 100 represent the savings associated with the present invention.

In the prior art solution, a first data request is made (i.e., Req. 1) which occupies both the tag slot and data slot for the first time slot. Similarly, the second request occupies both the tag slot and data slot for the second time slot. The request 1 and request two updates occupy the third and fourth time slots. This happens even though a SNOOP request is present. Thus, the SNOOP request is acted upon only during the ninth tag time slot, because there is no new data request present. This delay of the SNOOP request means that other processors within the system remain idle waiting for the response to the SNOOP request, even though the local processor has all of its requests honored on a high priority basis.

According to the present invention, however, as shown in tag

slots 98 and data slots 100, the SNOOP request, is honored upon being presented, because of its high priority. This delays the responses to the data requests of the local processor. However, the remote processor do not need to wait unduly for the honoring of the SNOOP request. Thus, overall system throughput is increased.

Having thus described the preferred embodiments in sufficient detail for those of skill in the art to make and use the present invention, those of skill in the art will be readily able to apply the teachings found herein to yet other embodiments within the scope of the claims hereto attached.

**WE CLAIM:**

1. In a data processing system having a system bus and having  
a processor with a level one cache memory responsively coupled to  
a level two cache memory which is responsively coupled to a level  
three memory, said level two cache memory having cache storage and  
tag storage and having a circuit for SNOOPing said system bus , the  
improvement comprising:

a. A first dedicated path between said system bus and said  
cache storage and a second dedicated path between said system bus  
and said tag storage.

2. A data processing system according to claim 1 further  
comprising control logic responsively coupled to said cache storage  
and said tag storage which provides the highest priority for said  
SNOOPing.

3. A data processing system according to claim 2 wherein said  
level two cache memory further comprises:

a. A duplicate tag memory.

4. A data processing system according to claim 3 further  
comprising:

a. A plurality of instruction processors.

5. A data processing system according to claim 4 wherein said level three memory further comprises:

a. A level three cache memory.

5 6. A data processing system comprising:

a. A processor having a level one cache memory;

b. A level two cache memory having a data memory and a tag memory responsively coupled to said level one cache memory;

10 c. A system memory bus responsively coupled to said data memory and responsively coupled to said tag memory; and

d. A SNOOP request placed on said system memory bus and responsively coupled to said tag memory.

15 7. A data processing system according to claim 6 further comprising:

a. A data request transferred from said level one cache memory to said level two cache memory.

20 8. A data processing system according to claim 7 further comprising:

a. Control logic within said level two cache memory which provides priority of said SNOOP request over said data request.

25 9. A data processing system according to claim 8 further comprising:

a. A level one tag memory located within said level one cache memory; and

b. A duplicate tag memory within said level two cache memory which maintains a duplicate of information within said level one tag memory.

10. A data processing system according to claim 9 wherein said SNOOP request is responsively coupled to said duplicate tag memory.

11. A method of maintaining validity of data within a level one cache memory of a processor having a level one tag memory responsively coupled to a level two cache memory having a tag memory and a data memory wherein said level two cache memory is responsively coupled to a system memory bus comprising:

- a. Formulating a SNOOP request;
- b. Presenting said SNOOP request on said system memory bus to said level two cache memory;
- c. Routing said SNOOP request directly to said tag memory;
- and
- d. Processing said SNOOP request.

12. A method according to claim 11 further comprising:

- a. Presenting a data request from said level one cache memory to said level two cache memory; and

b. Granting priority to said SNOOP request over said data request.

13. A method according to claim 12 further comprising:

5 a. Maintaining a duplicate copy of said level one tag memory within a duplicate tag memory within said level two cache memory.

14. A method according to claim 13 further comprising:

a. Routing said SNOOP request to said duplicate tag memory.

10 15. A method according to claim 14 further comprising:

a. Processing said SNOOP request regarding said duplicate tag memory.

15 16. An apparatus comprising:

a. Means for executing program instructions;

b. Means responsively coupled to said executing means for level one caching data;

20 c. Means responsively coupled to said executing means and said level one caching means for requesting a data element if said executing means requires requesting of said data element and said level one caching means does not contain said data element;

d. Means responsively coupled to said requesting means for level two caching;

25 e. Means located within said level two caching means for



storing level two caching data;

f. Means located within said level two caching means for maintaining level two tags; and

g. Means responsively coupled to said maintaining means for directly SNOOPing said level two tag1.

17. An apparatus according to claim 16 further comprising:

a. Means responsively coupled to said storing means and said maintaining means for granting priority to a SNOOP request over said data element request.

18. An apparatus according to claim 17 further comprising:

a. Means responsively coupled to said level two caching means for bussing system memory data;

b. Means responsively coupled to said bussing means for interfacing said bussing means directly to said storing means; and

c. Means responsively coupled to said bussing means for interfacing said bussing means directly to said maintaining means.

19. An apparatus according to claim 18 further comprising:

a. Means located within said level one caching means for recording level one tags; and

b. Means located within said level two caching means and responsively coupled to said recording means for duplicating said level one tags.

20. An apparatus according to claim 16 further comprising:

a. Means responsively coupled to said bussing means and said duplicating means for SNOOPing said duplicating means.

## METHOD FOR AVOIDING DELAYS DURING SNOOP REQUESTS

### ABSTRACT OF THE DISCLOSURE

5 A method of and apparatus for improving the efficiency of a data processing system employing a multiple level cache memory system. The efficiencies result from enhancing the response to SNOOP requests. To accomplish this, the system memory bus is provided separate and independent paths to the level two cache and  
10 tag memories. Therefore, SNOOP requests are permitted to directly access the tag memories without reference to the cache memory. Secondly, the SNOOP requests are give a higher priority than operations associated with local processor data requests. Though this may slow down the local processor, the remote processors have  
15 less wait time for SNOOP operations improving overall system performance.

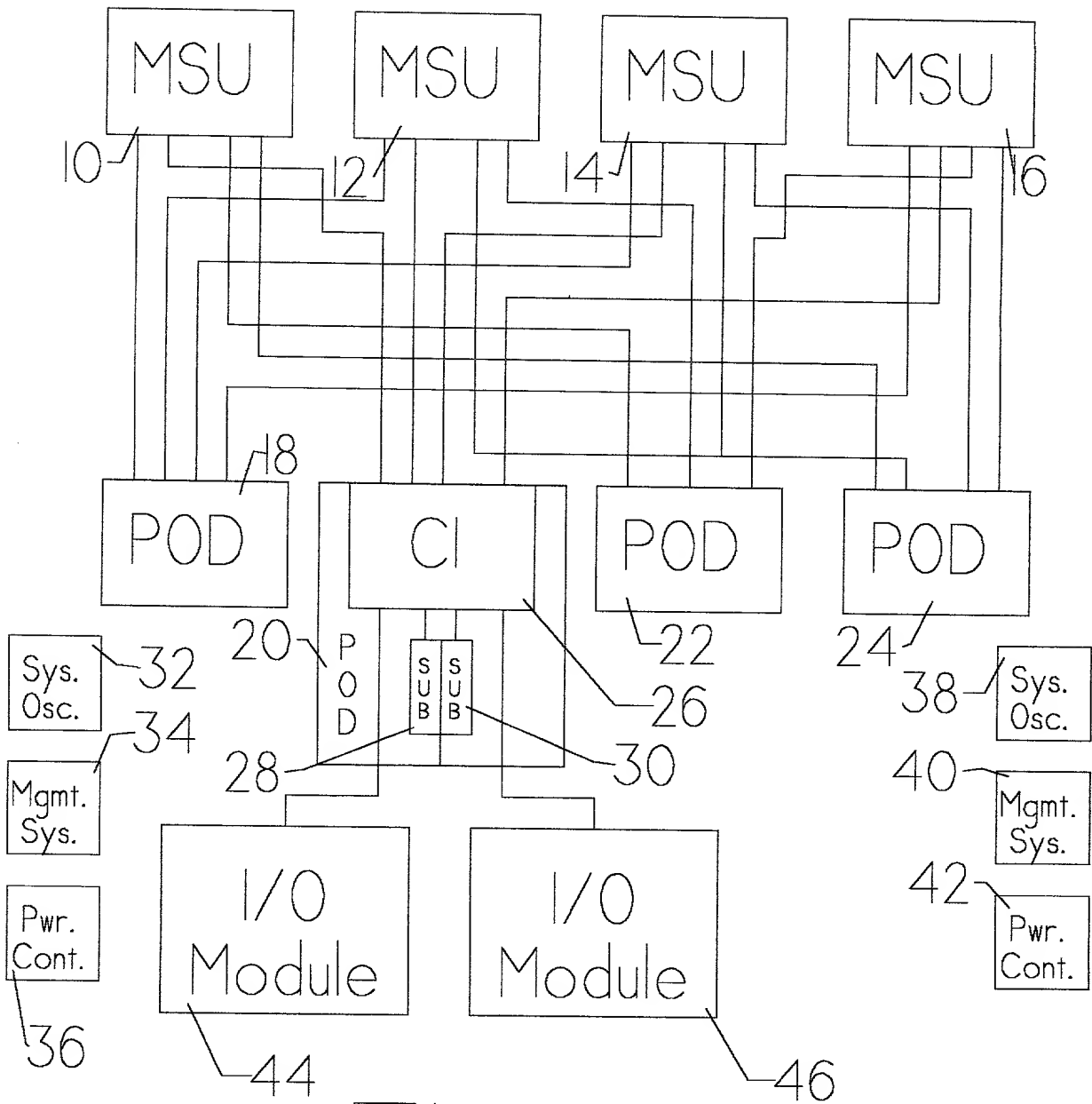


FIG. 1

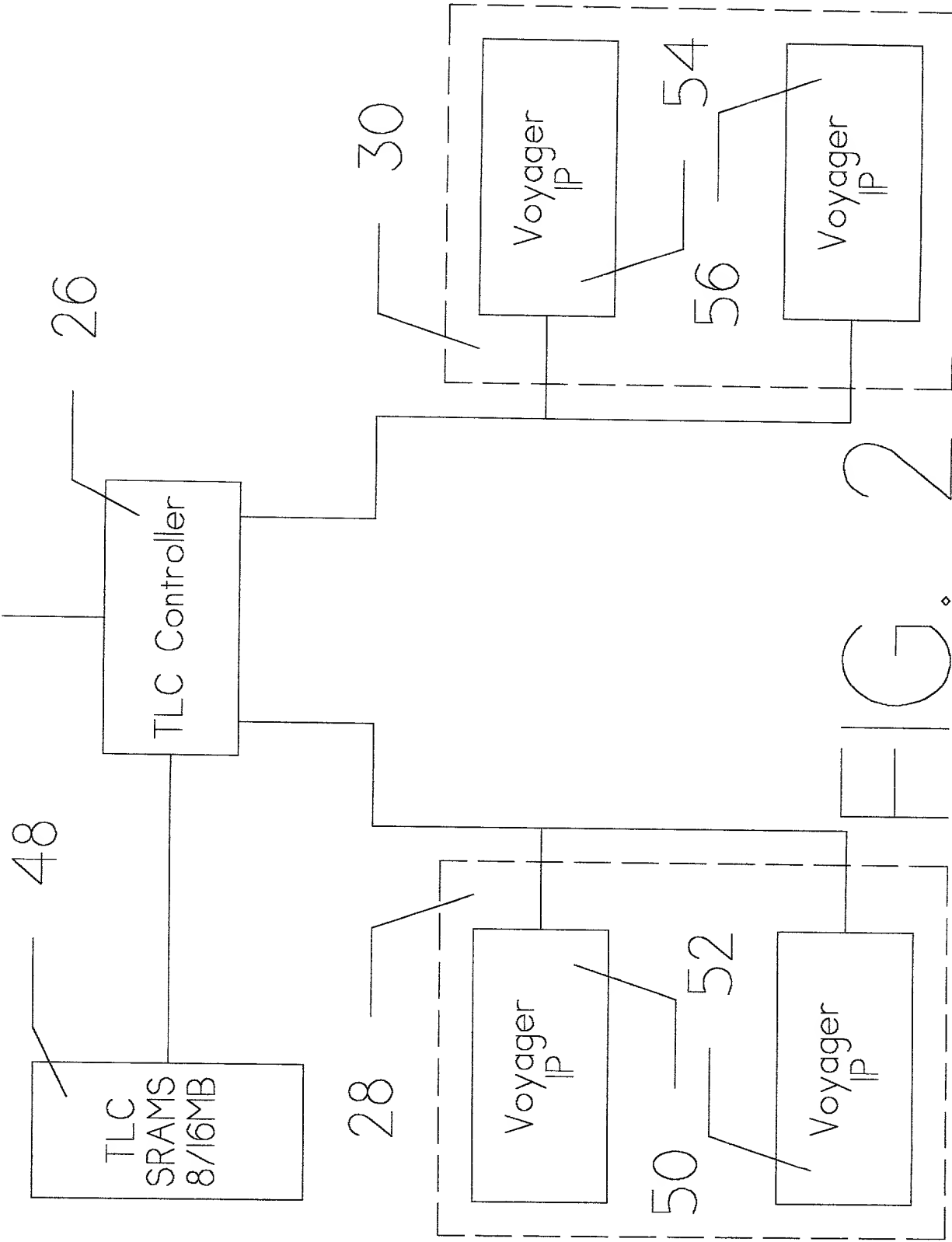


FIG. 2

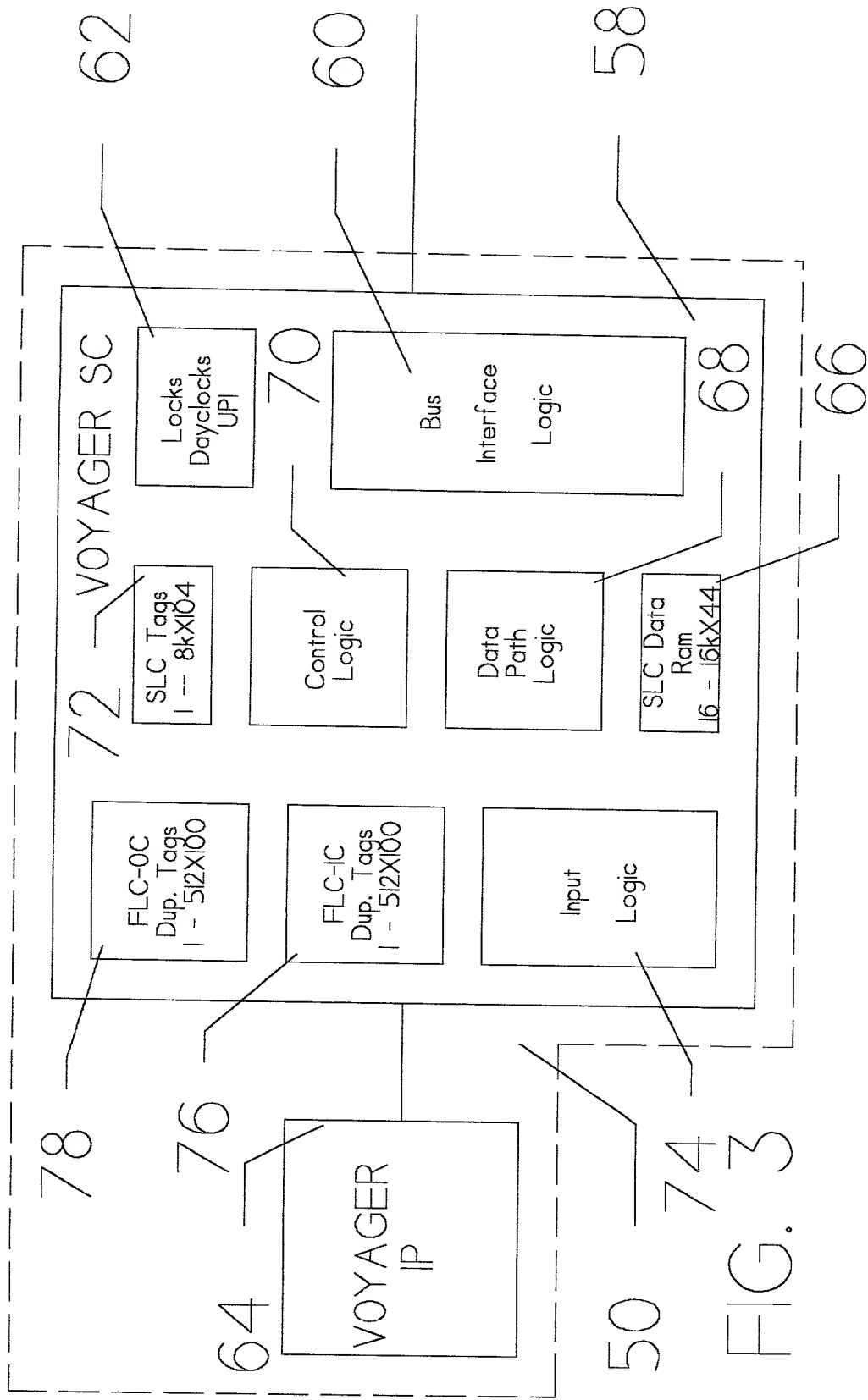


FIG. 4 is a block diagram of the system architecture of the present invention.

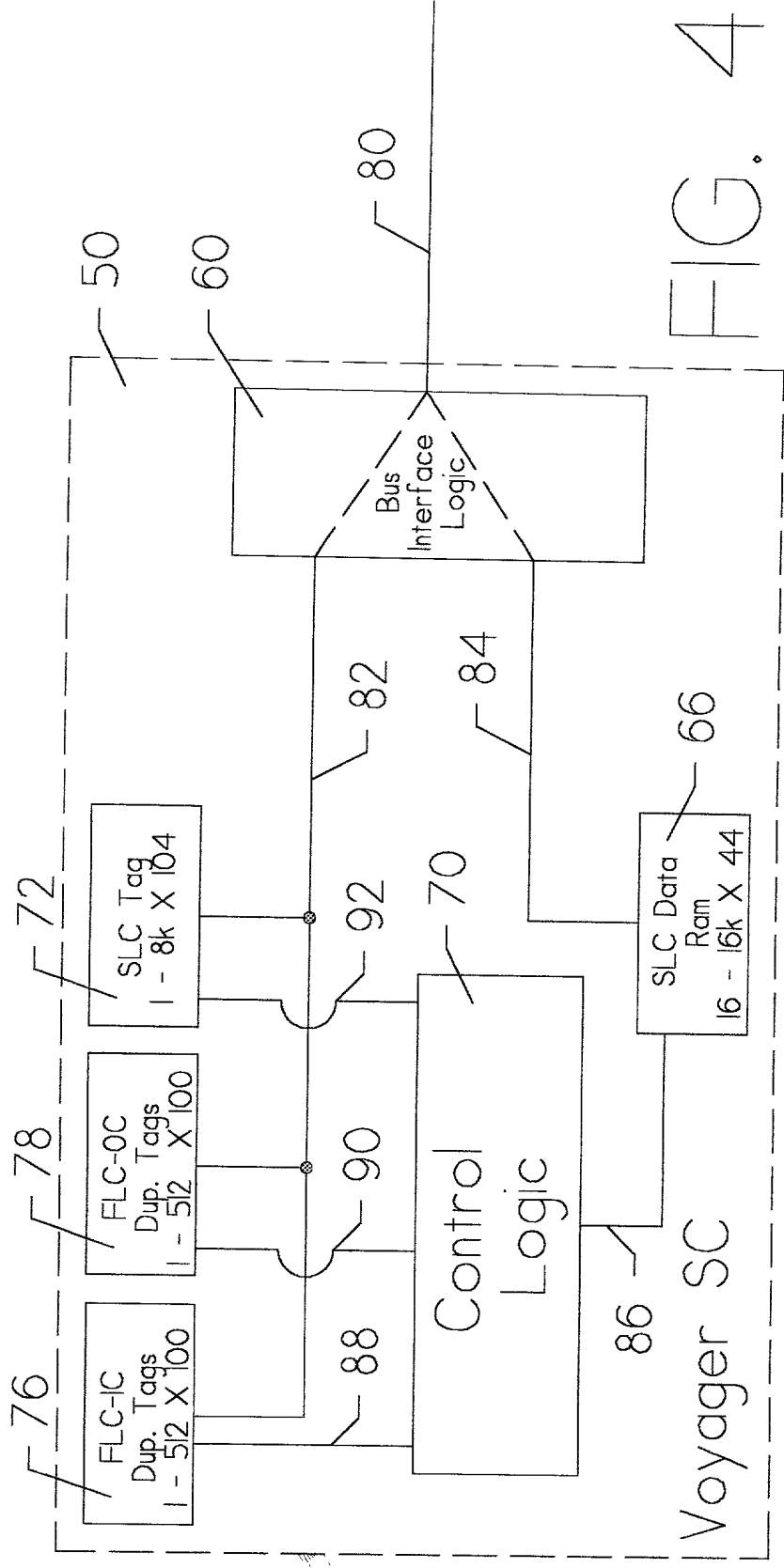


FIG. 4

FIG. 5 is a diagram illustrating a sequence of events in a system with two processors, P1 and P2, and a shared memory. The diagram shows a timeline of requests (Req.) and responses (Rd.) for two different data items, 1 and 2. Processor P1 sends a request for item 1 (Req. 1) and receives a response (Rd. 1). Processor P2 sends a request for item 2 (Req. 2) and receives a response (Rd. 2). The diagram also shows a sequence of events where P1 sends a request for item 2 (Req. 2) and receives a response (Rd. 2), and P2 sends a request for item 1 (Req. 1) and receives a response (Rd. 1). The diagram illustrates the sequence of events and the state of the system at various points in time.

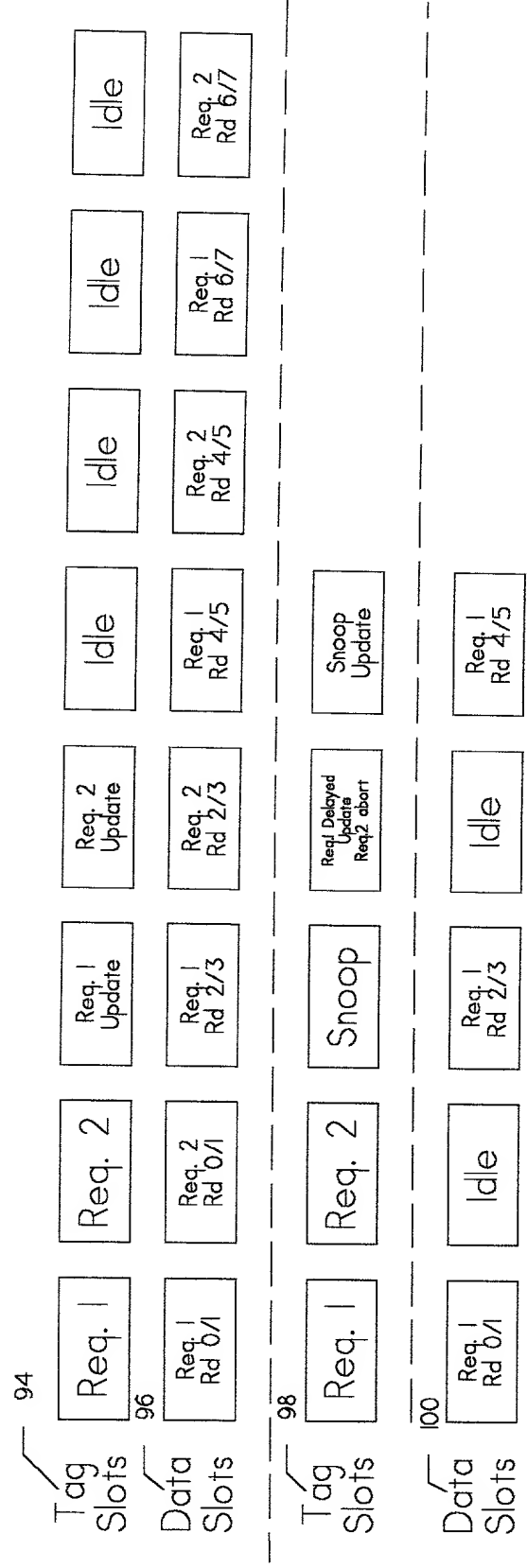


FIG. 5



COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR AVOIDING DELAYS DURING SNOOP REQUESTS, the specification of which (check one)

XX is attached hereto

\_\_\_ was filed on \_\_\_\_\_  
as U.S. Application  
Serial No. \_\_\_\_\_

\_\_\_ and was amended on (if  
applicable) \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ YES	_____ NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ YES	_____ NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ YES	_____ NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner

provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)
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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

John L. Rooney, Reg. No. 28,898;  
Lawrence M. Nawrocki, Reg. No. 29,333;  
Wayne A. Sivertson, Reg. No. 25,645;  
Richard C. Stempkovski, Jr., Reg. No. 45,130;  
Jeffery L. Cameron, Reg. No. 43,527;  
Donald A. Jacobson, Reg. No. 22,308; and  
Charles A. Johnson, Reg. No. 20,852

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Charles A. Johnson  
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Roseville, Minnesota 55113

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor Donald C. Englin  
Inventor's Signature Donald C. Englin Date 8/23/2006  
Residence 436 Dudley Avenue  
Shoreview, Minnesota 55126 Citizenship U.S.A.  
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Inventor's Signature Donald W. Mackenthun Date 8/28/00  
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#### 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.